

REMARKS

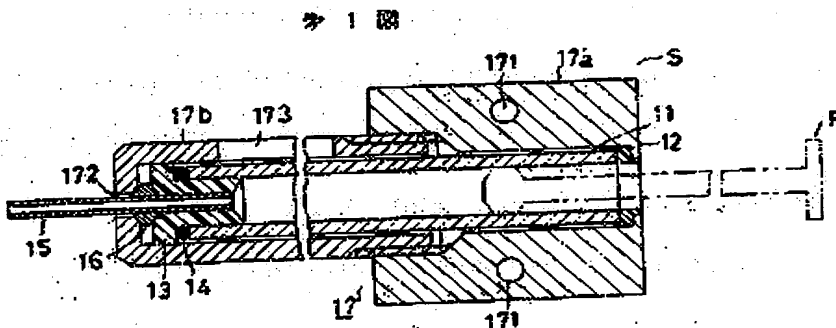
The application has been amended to place the application in condition for allowance at the time of the next Official Action.

Claims 45-47 and 49-89 are pending in application. Claims 56 and 58-86 are withdrawn from consideration as being directed to a non-elected species.

Claims 45-47, 49-52, 87 and 88 were rejected as anticipated by YAMASHITA JP 55-073352. This rejection is respectfully traversed.

Independent claim 45 is amended and recites that a casing axially forces a hollow element directly against a base (of a needle).

As seen in Figure 1 of YAMASHITA, reproduced below, and as disclosed in the abstract of YAMASHITA, a pipe 15 is inserted through an O ring into a center hole of the cap 13 to form a passage. Thus, needle 15 and cap 13 are two separate elements, one inserted into the other.



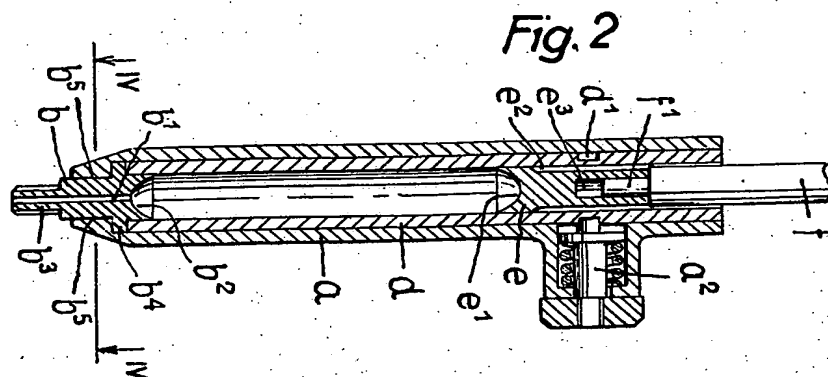
As seen in Figure 1 of YAMASHITA, O-ring 14 is between cap 13 and main body 11. Even if cap 13 were considered as the needle, which as set forth above, these elements are two separate elements, main body 11 is not in direct contact with cap 13. Rather, as seen in the Figure, the O-ring prevents direct contact and is required by YAMASHITA to absorb the movement of main body 11 caused by thermal expansion and contraction.

YAMASHITA does not disclose that the casing axially forces a hollow element directly against the base, as recited. As the reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 45, 47, 49, 51, 52, and 87-89 were rejected as anticipated by ROOS 2,537,550. That rejection is respectfully traversed.

Claim 45 is amended and recites a continuous hollow element forming a reservoir. Claim 45 also recites that a casing axially forces the hollow element directly against a base of a needle.

As seen in Figure 2 of ROOS, reproduced below, and as disclosed at column 2, lines 15-21, hollow bush d is provided with a circumferential groove d¹ that is adapted to be engaged by spring-loaded headed pin a² disposed in the housing secured to case a.



At least groove d^1 makes bush d non-continuous. ROOS does not disclose a continuous hollow element forming a reservoir.

Moreover, as seen in Figure 2 of ROOS, bush D is in contact with shoulder b^4 of nozzle b .

Contrary to the position set forth in the Official Action, one of ordinary skill in the art would not understand that nozzle b meets the limitation of a needle for parenteral injection.

MPEP §2111.01 provides that when not defined by applicant in the specification, the words of a claim must be given their plain meaning. In other words, they must be read as they would be interpreted by those of ordinary skill in the art. *In re Sneed*, 710 F.2d 1544, 218 USPQ 385 (Fed. Cir. 1983).

One of ordinary skill in the art would understand that threaded extension b^3 would not be used for a parenteral injection. Moreover, column 2, lines 6-8 of ROOS teach that threaded extension b^3 is adapted to receive an injection needle.

The injection needle may be any conventional type. Thus, ROOS specifically provides that nozzle b is not a needle. Instead, a needle is attached to the threaded portion b³ of nozzle b. ROOS does not disclose a hollow element that is directly against a base of a needle, as recited.

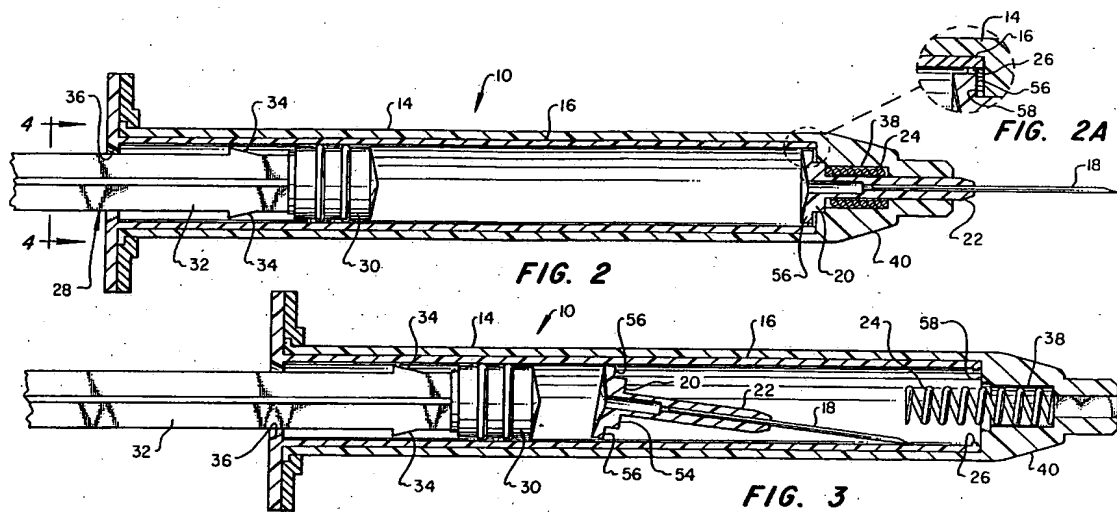
As ROOS neither discloses a continuous hollow element forming a reservoir nor that the hollow element is directly against a base of a needle, ROOS does not anticipate claim 45.

Independent claim 89 is amended and recites a hollow reservoir having a continuous external surface. Claim 89 also recites that a needle is fixedly engaged directly between a reservoir and a housing. The analysis above regarding claim 45 is equally applicable to claim 89.

Claims 45-47, 49-52, and 87-89 were rejected as anticipated by DeCHELLIS et al. 4,921,486. That rejection is respectfully traversed.

Independent claim 45 recites that a hollow element and needle are fastened to each other by a casing and recite that the casing forces the hollow element directly against the base of the needle. Independent claim 89 recites that the needle is fixedly engaged directly between the reservoir and the housing.

As seen by comparing Figures 2 and 3 of DeCHELLIS, reproduced below, it is seen that the needle of DeCHELLIS is a retractable needle that can be stored inside reservoir 16 for disposal as seen in Figure 3.



A plurality of frangible links 26, as seen in Figure 2a, keep the needle 18 in place against the forces of spring 24. When the links 26 are broken due to a shearing action, spring 24 forces the needle 18 into the reservoir body 16. Links 26 radially connect the needle 18 to a wall of the reservoir body.

In order for DeCHELLIS to operate in the manner intended, the needle of DeCHELLIS could neither be fastened to the hollow element by a casing so that the casing axially forces the hollow element directly against the base of the needle as recited in claim 45, nor could the needle be fixedly engaged between the reservoir and the housing, as recited in claim 89.

As this reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 53-55 and 57 were rejected as unpatentable over YAMASHITA in view of HIGASHIKAWA 5,704,918. That rejection is respectfully traversed.

HIGASHIKAWA is only cited for the disclosure of an outer casing and two inner tubes that form a reservoir. HIGASHIKAWA does not disclose what is recited in claim 45. As set forth above, YAMASHITA does not disclose what is in claim 45. Since claims 53-55 and 57 depend from claim 45 and further define the invention, the proposed combination of references would not have been sufficient to render obvious claims 53-55 and 57.

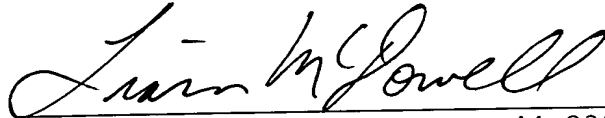
Since the withdrawn claims depend from claim 45 and thus include all the limitations of claim 45, and since claim 45 is believed allowable, the withdrawn claims should be examined and allowed as part of the present application. 9

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance of all claims pending in the application are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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